

LHE:RAS
F. #2021R00528

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATE OS AMERICA)

v.)

ALI ALAHERI)

) Case No. 21-CR-296 (RPK)

PROPOSED ORDER

IT IS HEREBY ORDERED that, this Court having found by a preponderance of the evidence that the defendant ALI ALAHERI is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to assist properly in his defense, the defendant ALI ALAHERI be committed to the custody of the Attorney General pursuant to Title 18, United States Code, Section 4241(d);

IT IS FURTHER ORDERED that, pursuant to Title 18, United States Code, Section 4241(d), the Attorney General shall hospitalize the defendant ALI ALAHERI for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future the defendant ALI ALAHERI will attain the capacity to permit the proceedings to go forward;

IT IS FURTHER ORDERED that by September 30, 2022, the Bureau of Prisons (“BOP”) shall provide a report to the Court advising whether the defendant ALI ALAHERI has

been placed in a facility for treatment and, if the defendant ALI ALAHERI has not been so placed, advising the Court of the estimated timing of such placement; and

IT IS FURTHER ORDERED that the BOP provide a written report after the defendant ALI ALAHERI has been residing at the treatment facility for 90 days, detailing whether the defendant ALI ALAHERI has been prescribed any psychiatric medications to restore his competency and whether the defendant ALI ALAHERI has been compliant with such treatment. If the defendant ALI ALAHERI is not compliant with the course of treatment recommended by the BOP, the status report should also advise whether the evaluator recommends involuntary treatment for purposes of competency restoration pursuant to Sell v. United States, 539 U.S. 166 (2003).

/S/ Rachel Kovner

THE HONORABLE RACHEL P. KOVNER
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK

August 24, 2022